

Message Text

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ORIGIN OES-07

INFO OCT-01 ARA-06 IO-13 ISO-00 FEA-01 ACDA-07 AGRE-00
AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 EPG-02 COME-00
DLOS-09 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05
FMC-01 TRSE-00 H-01 INR-07 INT-05 JUSE-00 L-03
NSAE-00 NSC-05 NSF-01 OMB-01 PA-01 PM-04 PRS-01
SP-02 SS-15 USIA-06 /119 R

DRAFTED BY OES/OFA/OCA:MDBUSBY:CSA

APPROVED BY OES/OFA/OA: MR. BUSBY

ARA/AND/E-MR. ALLITTO (DRAFT)

OES-AMB. CLINGAN (DRAFT)

OES/OFA/FA-MR. HALLMAN (DRAFT)

-----150013Z 006528 /64

P R 142117Z MAY 77

FM SECSTATE WASHDC

TO AMEMBASSY QUITO PRIORITY

INFO USMISSION USUN NY

AMEMBASSY LIMA

AMEMBASSY MEXICO CITY

AMEMBASSY SANTIAGO

AMCONSUL GUAYAQUIL

C O N F I D E N T I A L STATE 110229

E.O. 11652:GDS

TAGS: PLOS, EFIS, PFOR

SUBJECT:LOS CONSULTATIONS WITH ECUADOREANS (C)

REF:A.STATE 105011 B. USUN 1464 C. QUITO 2544

1. AMB. THOMAS CLINGAN AND MR. M. D. BUSBY MET WITH
AMB. BUSTAMANTE, THE MORNING OF MAY 12, AT THE USUN.
TALKS FOCUSSED ALMOST ENTIRELY ON QUESTION OF ARTICLE 53

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CONCERNING HIGHLY MIGRATORY SPECIES. AMB. BUSTAMANTE

STATED THAT ARTICLE 53 AS PRESENTLY DRAFTED DID NOT
MEET GOE'S MINIMUM POSITION AND THAT THEY DESIRED TO
INCLUDE ADDITIONAL PRINCIPLES IN THE ARTICLE. BUSTAMANTE
SAID GOE WAS CONCERNED THAT UNLESS ADDITIONAL PRINCIPLES
WERE INCLUDED THAT THEY WOULD ENCOUNTER DIFFICULTIES IN

FURTHER NEGOTIATIONS WITH DISTANT WATER FISHING NATIONS;
"SPECIFICALLY THE USSR AND JAPAN." HE WENT ON TO SAY
THAT THE GOE BELIEVED THE EARLIER NEGOTIATIONS WHICH
RESULTED IN A US/GOE JOINT DRAFT HAD BEEN VERY HELPFUL
AND INDICATED THAT IN HIS OWN OPINION THE GOE HAD BEEN
"AT FAULT" FOR ALLOWING PERU AND CHILE TO SABOTAGE THAT
EFFORT.

2. BUSTAMANTE PROPOSED JOINT US/GOE CONSULTATIONS TO
FOCUS ON A REDRAFT OF ARTICLE 53. HE STATED IT WOULD
NOT BE NECESSARY TO DRAFT AN ARTICLE AS DEATILED AS
THE ONE WHICH RESULTED FROM THE EARLIER CONSULTATIONS
AND SAID HE HAD IN MIND A 3 OR 4 PARAGRAPH ARTICLE.
HE PROPOSED THAT SUCH AN ARTICLE SHOULD INCLUDE:

A. A PROVISION ON THE RIGHT OF THE COASTAL STATE TO
VETO THE APPLICATION OF MEASURES WITHIN ITS OWN ZONE.

B. A PROVISION WHICH WOULD LIMIT NEW ENTRANTS INTO
AN ALREADY FULLY EXPLOITED FISHERY.

C. A CLEAR STATEMENT OF THE RIGHTS AND OBLIGATIONS OF
THE COASTAL STATE AND THE RIGHTS AND OBLIGATIONS OF
THE DISTANT WATER STATE, BOTH WITHIN AND BEYOND
THE ECONOMIC ZONE.

D. A PROVISION ON ENFORCEMENT.

BASTAMANTE ALSO INDICATED THAT ECUADOR WOULD PREFER TO
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HAVE ARTICLE 53 REMOVED FROM THE ECONOMIC ZONE SECTION
AND PLACED ELSEWHERE IN THE TREATY, PREFERABLY THE
HIGH SEAS SECTION.

3. THE US INDICATED WILLINGNESS TO DISCUSS ARTICLE 53
INFORMALLY WITH GOE. WE POINTED OUT, HOWEVER, THAT
NEITHER SIDE SHOULD HAVE AS AN OBJECTIVE A RINGING AFFIR-
MATION OF THEIR OWN POSITION. THE EXISTING ARTICLE,
WHILE NOT ENTIRELY SATISFACTORY TO THE US WAS PORTRAYED
AS AN ESSENTIALLY NEUTRAL ONE. WE ASKED, AND BUSTAMANTE
AGREED, THAT THE PURPOSE OF THE EXERCISE WOULD BE TO
TRY AND INCLUDE IN ARTICLE 53 ADDITIONAL PROVISIONS
UPON WHICH WE COULD AGREE IN AN ATTEMPT TO "GIVE EACH
OTHER A LITTLE MORE." IT WAS ALSO AGREED THAT BOTH
SIDES WOULD NEED TO KEEP IN MIND THE POSITION OF OTHER
INTERESTED STATES, PARTICULARLY THE SOUTH PACIFIC NATIONS

4. IT WAS AGREED THAT BOTH SIDES WOULD WORK FROM THE

PREVIOUS US/GOE DRAFT AND WOULD DELETE PROVISIONS OF THAT DRAFT WHICH WERE NEITHER APPROPRIATE NOR NECESSARY FOR INCLUSION IN A UNIVERSAL TREATY, ATTEMPTING TO ARRIVE AT A NEW DRAFT CONTAINING ONLY NECESSARY ELEMENTS. ANOTHER MEETING WAS TENTATIVELY SET FOR WEDNESDAY, MAY 25.

5. IT WAS AGREED THAT BUSTAMANTE WOULD INFORM REPRESENTATIVES OF CHILE AND PERU OF OUR EFFORTS AND THAT THE US WOULD LIKEWISE CONSULT WITH MEXICO, WHICH THE LOS DELEGATION WILL UNDERTAKE AT NEW YORK. THE US SIDE INDICATED TO BUSTAMANTE THAT WE SHOULD AVOID ANY FLOOR STATEMENTS ON THIS SUBJECT UNTIL WE HAD HAD AN OPPORTUNITY TO COMPLETE OUR CONSULTATIONS. BUSTAMANTE AGREED WITH THE POINT, BUT WOULD NOT MAKE A POSITIVE COMMITMENT THAT ECUADOR WOULD NOT SPEAK AT ARTICLE 53.

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6. THE US SIDE STATED ITS OPINION THAT THERE WOULD PROBABLY BE A CONFERENCE OF PLENIPOTENTIARIES TO DEVISE A REGIONAL TUNA ARRANGEMENT THIS YEAR, AND EXPRESSED THE HOPE THAT ECUADOR COULD SEE ITS WAY CLEAR TO PARTICIPATE IN SUCH A CONFERENCE WITH OTHER STATES OF THE REGION. BUSTAMANTE RESPONDED THAT THE GOE WOULD VERY MUCH LIKE TO JOIN IN SUCH AN EFFORT AND THAT ALTHOUGH IT WOULD BE VERY DIFFICULT TO DO SO PRIOR TO THE CONCLUSION OF AN LOS TREATY, IT MIGHT BE POSSIBLE IF ARTICLE 53 "CAME OUT RIGHT," AND THEY WERE OTHERWISE SATISFIED WITH THE ECONOMIC ZONE PROVISIONS.

7. COMMENT: THROUGHOUT CONVERSATION, BUSTAMANTE WAS MODERATE ON SUBSTANCE, AND STRESSED GOE DESIRE TO WORK WITH US. HE GAVE DISTINCT IMPRESSION THAT GOE DESIRES TO SIGN LOS TREATY AND THAT ARTICLE 53 WAS AN EMOTIONAL ISSUE WHICH HAD DIRECT BEARING ON SIGNATURE ISSUE. WE ALSO FOUND IT INTERESTING THAT CAPT. MOLINI AND DR. ROFALES DID NOT APPEAR FOR MEETING AND SPECULATE, GIVEN PAST HISTORY OF THIS ISSUE, THAT BUSTAMANTE MAY HAVE BEEN REPRESENTING PERSONAL VIEWS OF JOSE AYALA. DEPT INVITES COMMENT AS TO WHETHER ECUADOREAN INTERNAL SITUATION, AS WELL AS ECUADOR-PERU RELATIONSHIP MIGHT LEAD AYALA TO AGAIN CHANCE A MOVE ON ARTICLE 53.

8. DURING COURSE OF CONVERSATION, BUSTAMANTE MENTIONED POSSIBILITY OF ECUADOREAN LEGISLATION SIMILAR TO US MARINE MAMMAL PROTECTION ACT, WITH SPECIFIC REFERENCE TO TUNA/PORPOISE PROBLEM. DEPT IS STUDYING THIS ISSUE ALONG LINES OF REFTEL C TO SEE IF A SPECIALIST CAN BE SENT TO ECUADOR TO HELP.

CHRISTOPHER

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